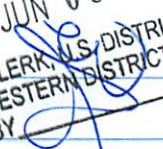


FILED

JUN 08 2020
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF TEXAS

JAVIER BARRAZA

v.

United States,

RESPONDENTS

CASE# 7:17-CR-00030-RAJ(i)

MOTION

PURSUANT TO TITLE 18 U.S.C 3582(C)(1)(A) AND
4205(g) COMPASSIONATE RELEASE/REDUCTION
IN SENTENCE/ CARES ACT

Now comes JAVIER BARRAZA, HERE-IN-AFTER "PETITIONER,"
humbly pray to move this Honorable Court pursuant to
Title 18 U.S.C. § 3582(C)(1)(A) AND 4205(g) COMPASSIONATE
RELEASE/REDUCTION IN SENTENCE/ CARES ACT,

Affidavit

I, Javier Barraza, declare that I'm above the age of 21,
Competent to state the following facts:

1. I, Petitioner assert for the record that He is a Hispanic male with life long medical disorders and chronic medical complication, which ultimately places his life at extreme risk.
2. I, Petitioner currently have a Breathing machine with out access to new filters, since I've received it prior to COVID19 Pandemic even unit now, and as well, am currently in care level one facility where staff is not trained, nor provide chronic care prisoner;
3. Petitioner asserts for the record that this institution has 12 Housing units, but instead only has 5 of them open for general population forcing prisoner to double bunk due to short of staff thus placing the spread of COVID19, and placing my medical condition and high risk into much concern;
4. Petitioner is now 42 years of age, has a private home to reside with his mother, and has not only a safe environment to re-enter society, but has gainful employment waiting.

5. PETITIONER ADMITS HIS PREVIOUS DECISIONS IN LIFE WERE IRRATIONAL, NOT CONDUCTIVE TO THE NORMS OF SOCIETY, ESPECIALLY AT AND DURING HIS YOUTH, AND NOW OLDER, READING SCRIPTURE TO DEVELOP A MORAL COMPASS, REALISE THAT IN ORDER FOR A SOCIETY TO THRIVE IT MUST SAFEGUARD ITSELF, AND WOULD TRULY PRAY I MAY GET A CHANCE IN LIFE TO NOT ONLY CHANGE FOR MYSELF AND MY FAMILY, BUT HELP THE COMMUNITY AT LARGE AND ALL THOSE ADOLESCENT YOUNG MEN AND WOMEN SEE LIFE THROUGH A BETTER SPECTRUM TO SECURE LIFE, LIBERTY AND PURSUIT OF HAPPINESS WE WERE GRANTED BY OUR CREATOR;

6. PETITIONER HUMBLY REQUEST AN APPOINTMENT OF COUNSEL, IN RESPECT OF THE COURT'S NEED OR WANT OF FURTHER DOCUMENTATION, RECORDS AND/OR PROOF OF MY PAST AND CURRENT MEDICAL CONDITIONS;

7. PETITIONER HUMBLY REQUEST TO RECEIVE ANY AND ALL RELIEF BASED ON THE FACTS THAT MAY BE ENTITLED, TO SECURE HIS LIFE DURING THIS PANDEMIC, WHICH HUMBLY REQUEST TO BE RESENTENCED TO HOME CONFINEMENT, WITHOUT BEING PHYSICALLY PRESENT IN THIS COURT TO SAFEGUARD ALL PARTIES INVOLVED;

I, JAVIER BARRAZA, DO DECLARE THAT THE ABOVE MENTIONED IS TRUE, COMPLETE, AND NOT MISLEADING, UNDER PENALTY OF PERJURY PURSUANT TO TITLE 28, U.S.C § 1746

EXECUTED 6/4/2020

Respectfully
At Javier Barraza, JAVIER BARRAZA

BARRAZA, Javier
86832-380
Unit A2

215

Inmate Request to Staff Member Response

This is in response to your Inmate Request received May 21, 2020, regarding Compassionate Release/Reduction in Sentence (RIS) and/or release to Home Confinement. Your request is premised on the COVID-19 outbreak and your stated medical concerns.

Title 18 of the United States Code, section 3582(c)(1)(A), allows a sentencing court, on motion of the Director of the Bureau of Prisons, to reduce a term of imprisonment for extraordinary or compelling reasons. Program Statement 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g), provides guidance on the types of circumstances that present extraordinary or compelling reasons; such as the inmate's terminal medical condition, a debilitating medical condition, status as a "new law" elderly inmate, an elderly inmate with medical conditions, or an "other elderly inmate", the death or incapacitation of the family member caregiver of the inmate's child, or the incapacitation of the inmate's spouse or registered partner. While I empathize with your concerns, your request for RIS is not within the aforementioned policy requirements.

The transfer of inmates from secure custody to Home Confinement under the CARES act is directed by the memorandum from the Attorney General, dated March 26, 2020, and memorandum from BOP Acting Assistant Director, Correctional Programs Division, dated May 8, 2020. For public safety reasons and to ensure effective use of limited resources, and in accordance with the above directives, there are specific factors that must be assessed to ensure inmates are suitable for extended Home Confinement. These factors include, but are not limited to, institutional discipline history over the past 12 months, ensuring inmates have a verifiable release plan, verifying the inmate's primary offense history does not include violence, a sex offense, or terrorism, confirming the inmate does not have a detainer, reviewing the inmate's security level, with inmates at minimum and low security levels receiving priority treatment and reviewing the inmate's score under PATTERN, with inmates who are scored above a minimum not receiving priority treatment.

Finally, the age and vulnerability of the inmate to COVID-19, in accordance with CDC guidance will be taken into account. Inmates who meet the above basic conditions must have also served 50% or more of their sentence or 25% or more of their sentence if within 18 months of release.

In regards to your request for Home Confinement placement, you do not meet the specified criteria at this time. Specifically, your current security level is Medium and your recidivism risk level, as assessed by PATTERN is Low. Additionally, you have only served 27% of your sentence. For the above reasons, you will not be submitted for Home Confinement at this time.

If you are dissatisfied with this response, you may file an appeal pursuant to Program Statement 1330.18, Administrative Remedy Program, within 20 calendar days of the date of this response.

I trust this addresses your concerns.

6/1/2020
Date

Robert Hazlewood
Robert Hazlewood, Warden

BP-S148.055 INMATE REQUEST TO STAFF CDFRM

SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) WARDEN HAZLEWOOD	DATE: 5/21/20
FROM: JAVIER BARRAZA	REGISTER NO.: 86832-380
WORK ASSIGNMENT: Orderly	UNIT: A2 - 1215

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.) AS YOU MAY KNOW I WAS ASSIGNED A SINGLE CELL DUE TO MY BREATHING AND MEDICAL LIFE LONG CONDITIONS seizure disorder, cholesterol, I USE Asthma Inhaler AND ALSO HAVE A BREATHING MACHINE AT NIGHT WAY BEFORE THE CURRENT ACADEMIC COVID 19 ARRIVED. I TRULY WOULD HOPE YOU MAY CONSIDER THE DANGERS THAT I FACE BEING IN YOUR CUSTODY. NOT ONLY DO I HAVE A BREATHING MACHINE, BUT AS WELL VARIOUS OTHER MEDICAL AILMENTS THAT PLACE ME IN HIGH RISK. I KNOW THE VIRUS HAS NOT ARRIVED, BUT YET, WHEN IT DOES I WOULD TRULY HOPE AND PRAY YOU USE YOUR AUTHORITY PROMPTLY AND NOT WAIT UNTIL IT ARRIVES. THE CARE ACT YOU TO HELP INDIVIDUALS SUCH AS ME TO BE RESENTENCED, I UNDERSTAND I MADE A IRRATIONAL DECISION IN MY PAST, DRUGS ARE A PART OF MY LIFE, BUT THEY SHOULD NOT BE THE MEASURE TO SUPPORT YOUR FINANCES, BUT TO BE IN A LIFE-THREATENING SITUATION, I BELIEVE MY CRIME DOES NOT MERIT MY DEATH. I'M A VERY HIGH LEVEL RISK, I KNOW BECAUSE IN THE LAST PLACE I WAS IN, THE I HEARD SOMEONE I KNOW OR LETS SAY KNOW PERSONALLY JUST DIED THERE IN B.O.P CUSTODY. I AT LEAST WANT TO PLEAD FOR MY LIFE. FOR IN CASE I DIED IN YOUR CUSTODY, AT LEAST MY SON AND DAUGHTER MAY KNOW I WAS RESPONSIBLE ENOUGH TO PLEAD FOR MY LIFE, WITH THAT SAID, THIS FACILITY IS CARE LEVEL ONE. SHARED VENTILATION SYSTEMS AND AT MY HOME IN MY PRIVATE HOUSE I COULD PRACTICE SOCIAL DISTANCING AND NOT BE IN CONTACT WITH SO MANY PEOPLE, YOUR STAFF COULD INFECTION CHECKING THEIR TEMPERATURES IS NOT AND WILL NOT DETECT A SYMPTOMATIC PERSON, AND I DON'T WANT TO BE ONE OF THE LIST OF PRISONERS THAT DIED. WOMAN, PLEASE SR. CONSIDER MY LIFE, MY CASE IS NON-VIOLENT, AND TEXAS IS BIG AND OPEN AREA FOR ME TO SECURE MY SAFETY JUST ASK THE COURT TO RE-ADJUST MY SENTENCE TO BE ADJUSTED TO HOME CONFINEMENT. THANK YOU FOR YOUR TIME. REMEMBER THE CARE ACT WAS DESIGNED TO PREVENT DEATHS AND SECURE PRISONERS. PLEASE USE THE AUTHORITY WILLIAM BARR GRANTED YOU. I DON'T WANT TO BE A NUMBER PLEASE, I HAVE MY WHOLE LIFE AHEAD OF ME. THANK YOU
God Bless you. Sr

(Do not write below this line)

DISPOSITION:

Signature Staff Member	Date
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Record Copy - File; Copy - Inmate
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86
and BP-S148.070 APR 94

JAVIER BARRA
FEDERAL, Correctional, Institute, Berlin
P.O Box 9000
Berlin, NH
03570



RECEIVED

JUN 08 2020
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY

FEDERAL Court House
200 E, WALL ST, Room 107
Midland Tx
79701

